



Rebecca Givner-Forbes
T: +1 202 776 2382
rgf@cooley.com

BY ECF

April 12, 2024

Magistrate Judge Sarah L. Cave
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1670
New York, NY 10007

Re: *Rhode-NYC, LLC v. Rhodedeodato Corp. et al.*, No. 22-cv-5185 (AKH) – Joint Letter Motion re : Settlement Statements Due April 16, 2023.

Magistrate Judge Cave:

The parties to the above-captioned litigation write to jointly request relief from certain requirements of Paragraph 4 of the Standing Order Applicable to Settlement Conferences Before Magistrate Judge Cave (the “**Standing Order**”). Such requirements relate to the settlement statements due ahead of the parties’ scheduled April 23, 2024 settlement conference (ECF 128).

Specifically, the Standing Order requires the parties to include: “(1) a discussion of the relevant facts and applicable law, with an emphasis on the issues more pertinent to settlement, including a discussion of liability and damages in the event liability were established; (2) if non-monetary relief—including a general or specific release of claims—is sought in addition to or instead of money damages, each party must set forth its position as to the provision of such relief; (3) the existence and amount of any lien(s) that may attach to the settlement proceeds; and (4) the history of settlement discussions, including any prior offers or demands.” Standing Order ¶ 4. Given the history of settlement discussions, where the parties are in the settlement negotiation process, and the complexity of the terms at issue, they believe the settlement conference will be more fruitful if their statements focus primarily on the specific provisions of their draft agreement still in dispute. While the parties may include some factual context for the terms of the draft agreement and reasons for entering into the agreement, they do not believe it is helpful at this point to fully delve into the merits of the case, the full (lengthy) history of settlement negotiations to date, or the full set of provisions on which they are currently aligned.

For background, the parties have engaged in two full-day mediations, most recently on April 5, 2023 in-person in Los Angeles, California before Hon. Judge James Otero (Ret.). Each party understands the other side’s positions on the merits and the history of settlement negotiations. They would appreciate the Court’s assistance in navigating remaining issues in dispute and would like to focus on such issues in their settlement statements.



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For the foregoing reasons, Plaintiff and Defendants jointly request relief from the content requirements of Standing Order Paragraph 4, to instead focus on remaining disputed settlement provisions in their settlement statements.

Respectfully Submitted,

/s/ Rebecca Givner-Forbes

Rebecca Givner-Forbes

Counsel for Defendants / Counterclaim-Plaintiffs

Rhodedeodato Corp., HRBeauty LLC, and Hailey Rhode Bieber

/s/ Megan K. Bannigan

Megan K. Bannigan

Counsel for Plaintiff / Counter-Defendant

Rhode-NYC LLC